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RESEARCH REVIEW

final session edition



RESEARCH REVIEW
reports covering
APRIL 22 -- 29, 2010

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(FOR THE WEEK OF APRIL 20TH)

THE FULL COMMITTEE

The Agriculture Committee met Tuesday to consider five bills on calendar.

The following bill was *deferred one week*:

HB 2840 (Floyd)

The following bills were *taken off notice*:

HB 2497 (Hardaway)

HB 2498 (Hardaway)

HB 2773 (Hardaway)
HB 2819 (Hardaway)

GENERAL SUBCOMMITTEE OF AGRICULTURE

The subcommittee met Tuesday to consider one bill on calendar. **HB 3748 (Sontany)** was *deferred one week*.

(FOR THE WEEK OF APRIL 27TH)

THE FULL COMMITTEE

The Agriculture Committee met Wednesday to consider one bill on

calendar. **HB 2840 (Floyd)** was *deferred one week*.

GENERAL SUBCOMMITTEE OF AGRICULTURE

The subcommittee met Wednesday to consider one bill on calendar. **HB 3748 (Turner, M.)** failed for a lack of motion.



(FOR THE WEEKS OF APRIL 20TH AND 27TH)

The **Children & Family Affairs Committee** is closed subject to the call of the chair.

The **Family Justice Subcommittee** is closed subject to the call of the chair.

The **Domestic Relations Subcommittee** is closed subject to the call of the chair.

The **Children & Family Affairs Committee** is now closed subject to the call of the chair.

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(FOR THE WEEK OF APRIL 20TH)

FULL COMMITTEE

The **Commerce Committee** passed out five bills on Tuesday, April 20th during its full committee meeting.

HB 3191 (Mumpower) as amended, enacts the “Tennessee Appraisal Management Company Registration & Regulation Act.” Under this legislation, appraisal management companies would be under the same rules and regulations as individual appraisers. The Tennessee Real Estate Appraiser Commission will establish a registration program, and the Commission is empowered to investigate any complaints received on an AMC and censure, suspend, or revoke an AMC’s registration.
[passed to Finance, Ways & Means]

HB 3717 (Carr) as amended, requires insurers to offer Medicare supplement policies to persons who are under 65 years of age and eligible and enrolled in Medicare by reason of disability or end stage renal disease. These individuals would be in a separate pool and premiums could differ based on different rate schedules. The Department is directed to conduct a study in 2016 for the purpose of determining the appropriateness of separate premium rates for populations under 65 years of age and shall evaluate whether continued separate premium rates are justified.
[passed to Finance, Ways & Means]

HB 3923 (Hardaway) updates licensing requirements for locksmiths in accordance with the Locksmith Licensing Act of 2006.
[passed to Finance, Ways & Means]

HB 3247 (McCord) establishes a “retired license” status for licensed land surveyors as well as reinstatement procedures. Licensee may apply for a retired license upon remittance of a \$25 fee.
[passed to Finance, Ways & Means]

HB 3921 (Shepard) as amended, changes the standard reference compendia for the mandated coverage of off-label uses of approved drugs to include the United States Pharmacopeia Drug Information, the American Medical Association Drug Evaluations, the American Hospital Formulary Service Drug Information, the National Comprehensive Cancer Network Drugs and Biologics Compendium, the Thompson Micromedex’s Drug Dex, or the Elsevier Gold Standard Clinical Pharmacology.
[passed to Calendar & Rules]

The following bills were rolled for one week:

HB 3759 (West)
HB 2622 (Lynn)
HJR 722 (Lynn)
HB 3504 (Fitzhugh)
HB 3654 (Stewart)
HB 2927 (Sargent)
HJR 748 (Hardaway)
HB 3940 (Lundberg)

*The Full Committee held a special hearing on **HB 3949 (Sargent)** which removes the anti-trust exemption for Jackson-Madison County General Hospital.*

The committee heard from representatives from Regional Hospital of Jackson who feel the current anti-trust exemption allows Jackson-Madison County General Hospital to have a monopoly over healthcare services in the area. They claim JMCGRH is overly protected by

certificate of need safeguards, sovereign immunity limiting liability, tax exempt status, and exclusive ambulance/EMS service.

Representatives from and in support of JMCGRH told the committee that the hospital is a vital part and major contributor to the Jackson-Madison County community. They claim that Regional Hospital has experienced significant growth over the years and is not at a competitive disadvantage. Also, JMCGRH testified that they experience heavy losses by being a public hospital that provides services to a large number of uninsured and TennCare patients. Many of the unique services provided by JMCGRH already operate at a loss and removing the anti-trust exemption would put them at further risk.

INDUSTRIAL IMPACT SUBCOMMITTEE

The **Industrial Impact Subcommittee** was cancelled.

The **Utilities & Banking Subcommittee** and the **Small Business Subcommittee** are both closed subject to the call of the chair.

(FOR THE WEEK OF APRIL 28TH)

FULL COMMITTEE

The **Commerce Committee** passed out four bills on Wednesday, April 28th during its full committee meeting.

HB 3940 (Lundberg) as amended, enacts the “Tennessee Health Carrier Grievance and External Review Procedure Act.” It establishes a uniform internal review process that will allow policyholders and doctors to

appeal an insurer's determination that claim will not be paid. Also, this review may be appealed and heard by an impartial 3rd party. The Department is given oversight to make sure these external review organizations are operating in a fair, unbiased, and timely way.

[passed to Calendar & Rules]

HB 3504 (Fitzhugh) as amended, authorizes G&T cooperatives to enter into agreements for payments in lieu of taxation to any taxing jurisdiction to the extent that their wholesale sale to a member or patron results in a decrease in payments in lieu of taxation from TVA to such state & local governments. TVA would be required to pay an amount equal to 5% of gross receipts. TACIR is directed to continue to monitor whether the current wholesale power supply arrangements between TVA and municipal utilities & electric cooperatives are likely to change in the future that could affect payments in lieu of taxes from the TVA to the state or local governments.

[passed to Calendar & Rules]

HB 2622 (Lynn) prohibits the General Assembly from requiring any person to participate in any health care system or plan. An amendment was tabled that would have terminated the provisions of the bill on January 11, 2011 in an attempt to not bind a future general assembly.

[passed to Calendar & Rules]

HJR 722 (Lynn) proposes a constitutional amendment that declares the policy of this state that a free enterprise system shall govern trade and commerce in Tennessee.

[passed to Finance, Ways & Means]

HB 2927 (Sargent) was rolled for one week.

HB 3654 (Stewart) was rolled to 2011.

The following bills were taken off notice:

HB 3759 (West)

HJR 748 (Hardaway)

INDUSTRIAL IMPACT SUBCOMMITTEE

The **Industrial Impact Subcommittee** met on Wednesday, April 28th and passed out seven bills to the full committee.

HB 1323 (Dunn) as amended, requires a dealer of "adapted vehicles" to obtain a license from the Motor Vehicle Commission. An "adapted vehicle" is defined as a new or used vehicle designed or modified for by an aging or disabled person. The Commission is charged with establishing requirements for licensure, and is given the authority to deny, suspend or revoke a dealer's license for violations under this legislation.

[moved to full committee]

HB 3229 (McCord) as amended, makes changes to vacation lodging service firms. It defines "designated agent" and requires a firm to notify the Tennessee Real Estate Commission if a designated agent leaves the firm, and the firm must replace the designated agent within 60 days. A designated agent is permitted to serve for multiple offices of the same firm if they are within 50 miles of the principal office. Also, it adds a requirement for vacation lodging service firms to provide proof of credit to the Commission by April 1 of each year and authorizes the Commission to impose a penalty for failure to do so.

[moved to full committee]

HB 2875 (Curtiss) as amended by Government Operations, updates the laws on automobile clubs. It requires the Commissioner of Commerce & Insurance to promulgate rules and regulations to determine what other services Automobile Clubs may provide. Automobile clubs and associations are required to file a certificate of authority

annually with the Commissioner to continue operation in the state. All applicants would pay a \$20 fee.
[moved to full committee]

HB 3167 (Curtiss) as amended, establishes requirements for notices of blasting to be filed with the Department of Commerce & Insurance including a beginning and end date of the blasting operation, and authorizes emergency blasting by utility providers to restore services as long as notice is provided as soon as possible after blasting begins. A one-time notice is allowed when the blasting operation is occurring at a permanent location.

[moved to full committee]

HB 3832 (Curtiss) as amended, clarifies statutory language regarding assignment of benefits by insurance policyholders to healthcare providers. It outlines the conditions needed to disregard an insured's assignment of benefits including proper notice and certain billing practices. In those instances when a patient has a bill over \$200 from an out-of-network provider, the patient is entitled to enter into a payment plan and the physician is prohibited from reporting the patient to a credit agency as long as payments are received no later than 45 days after they are due.

[moved to full committee]

HB 1967 (Sargent) as amended, adds another restriction to the definition of an insurance contract to include an agreement for the analysis of a structure's foundation by a licensed structural engineer and stabilization and repair of damage to the structure occurring as a result of errors in that analysis. These types of agreements would not fit the definition for an insurance contract.

[moved to full committee]

HB 3232 (McCord) as introduced, clarifies duties of state board of equalization with regard to providing public records by fax to citizens. The bill opens several captions and the

sponsor conveyed his intent to hold the bill in full committee in the event a caption is needed by any member.
[moved to full committee]

HB 3949 (Sargent) as amended, removes the anti-trust exemption for Jackson-Madison County General Hospital (JMCGH). A second amendment prohibits JMCGH from making payments to the local government less than the amount they paid in 2009. A third amendment provides a reverse severability clause that voids the entire bill if any part or parts is held invalid. The subcommittee

heard extension testimony from both parties similar to the presentations given in the full committee last week. Other issues were raised regarding with the expansion of private act hospitals into other counties and whether this bill could inadvertently affect the other private act hospitals. After further debate, the bill was moved to summer study.
[moved to summer study]

The following bills were taken off notice:

HB 2023 (Turner M)
HB 636 (Maggart)

HB 2417 (Ramsey)

HB 396 (Fincher) was *rolled to 2012*.

HB 1562 (West) *failed on a voice vote*.

The **Industrial Impact Subcommittee** is now closed subject to the call of the chair.

CONSERVATION & ENVIRONMENT

Jeremy Maxwell

(FOR THE WEEK OF APRIL 20TH)

THE FULL COMMITTEE

The Conservation and Environment Committee did not meet this week.

ENVIRONMENT SUBCOMMITTEE

The Environment Subcommittee is closed subject to the call of the chair.

WILDLIFE SUBCOMMITTEE

The Wildlife Subcommittee is closed subject to the call of the chair.

PARKS SUBCOMMITTEE

The Parks Subcommittee is closed subject to the call of the chair.

(FOR THE WEEK OF APRIL 27TH)

THE FULL COMMITTEE

The Conservation and Environment Committee did not meet this week.

ENVIRONMENT COMMITTEE

The Environment Subcommittee is closed subject to the call of the chair.

WILDLIFE SUBCOMMITTEE

The Wildlife Subcommittee is closed subject to the call of the chair.

PARKS SUBCOMMITTEE

The Parks Subcommittee is closed subject to the call of the chair.

CONSUMER & EMPLOYEE AFFAIRS

Lucy Wilson

(FOR THE WEEK OF APRIL 19, 2010)

THE FULL COMMITTEE

The House Consumer and Employee Affairs Committee was cancelled for the week of April 19, 2010.

EMPLOYEE AFFAIRS SUBCOMMITTEE

Employee Affairs Subcommittee is closed subject to the call of the Chair.

CONSUMER AFFAIRS SUBCOMMITTEE

Consumer Affairs Subcommittee is closed subject to the call of the Chair.

(FOR THE WEEK OF APRIL 26, 2010)

THE FULL COMMITTEE

The House Consumer and Employee Affairs Committee met Wednesday, April 28, 2010 to hear nine (9) bills.

Passed to Calendar and Rules as Amended:

HB 3018 by Richardson (SB 2712 by Kelsey) prohibits the advertising, promotion, and sale of international driver's licenses; establishes that such practices and other related acts violate the Tennessee Consumer Protection Act; imposes certain civil penalties on such violations. An amendment was adopted that defines "international driver's license."

Passed to Government Operations as Amended:

HB 3163 by Curtiss (SB 3591 by Ketron), as amended, creates a procedure for sole proprietors, partners, officers of corporations, and members of limited liability companies engaged in the construction industry to file for an exemption from obtaining workers' compensation insurance to cover themselves. The bill also creates an Employee Misclassification Advisory Taskforce to study, monitor and make recommendations regarding issues relevant to the employee misclassification in the construction industry.

Taken off Notice:

HB 2774 by Hardaway (SB 3378 by Marrero B) would require child protective restraints in shopping carts. The sponsor brought an amendment that rewrites the bill in response to

committee comments and suggestions to clarify portions of the language.

HB 3162 by Curtiss (SB 3603 by Ketron) lengthens suspension of the requirement that sole proprietors and partners maintain workers' compensation insurance on themselves from March 28, 2011, until June 30, 2011.

HB 3557 by Rowland (SB 3750 by Bunch) establishes certain presumptions and conclusive determinations regarding the determination of whether a person is an "employee" or an "independent contractor" for purposes of the workers' compensation law.

HB 3525 by Maddox (SB 3336 by Herron) makes permanent the temporary suspension imposed by HB7/SB1 of the 2010 Extraordinary Session of the requirement that independent contractors in the construction industry obtain workers' compensation insurance.

HB 3628 by Weaver (SB 3500 by Beavers) makes permanent the exemption that sole proprietors and partners engaged in the construction industry do not have to carry workers compensation insurance on themselves.

HB 2844 by Matheny (SB 2840 by Stewart) lengthens suspension of the

requirement that sole proprietors and partners maintain workers compensation insurance on themselves from March 28, 2011, until April 1, 2012.

HB 2845 by Matheny (SB 2841 by Stewart) lengthens suspension of requirement that sole proprietors and partners maintain workers compensation insurance on themselves from March 28, 2011, until April 1, 2012.

CONSUMER AND EMPLOYEE AFFAIRS COMMITTEE

The full committee is closed subject to the call of the Chair.

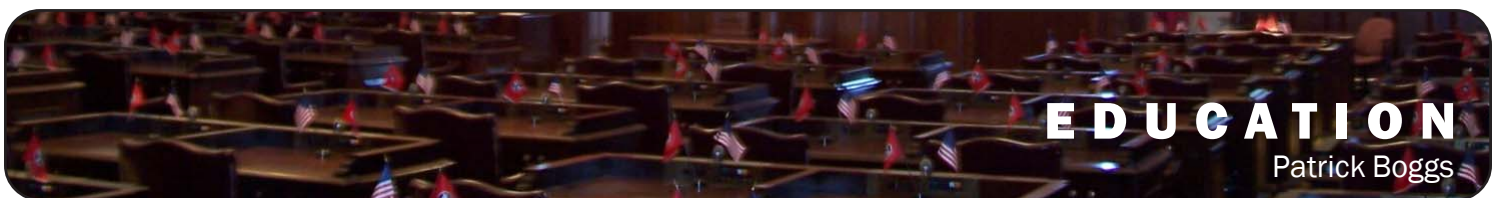
EMPLOYEE AFFAIRS SUBCOMMITTEE

Employee Affairs Subcommittee is closed subject to the call of the Chair.

CONSUMER AFFAIRS SUBCOMMITTEE

Consumer Affairs Subcommittee is closed subject to the call of the Chair.

The **Consumer & Employee Affairs Committee** is now closed subject to the call of the chair.



THE FULL COMMITTEE

The **House Education Committee** is closed at the call of the chair.

HIGHER EDUCATION SUBCOMMITTEE

The **Higher Education Subcommittee** is closed to the call of the chair.

K-12 SUBCOMMITTEE

The **K-12 Subcommittee** is closed at the call of the chair.

The **House Education Committee** completed its business the week of April 14th and is now closed subject to the call of the chair.



FINANCE, WAYS & MEANS

Julie Travis

(FOR THE WEEK OF APRIL 20TH)

THE FULL COMMITTEE

The House Finance, Ways & Means Committee met on Tuesday, April 20, 2010 to consider thirty-eight bills on the full committee's calendar and addendum as well as a presentation by Ms. Ellen Holtzman on the Food Trust. The following is a list of the final action taken on the legislation heard before the full committee on April 20th:

Deferred 1 week:

HB 2187 (K. Brooks)
HB 206 (Coley)
HB 969 (McCord)
HB 2219 (Stewart)
HB 2885 (Mumpower)
HB 3055 (Watson)
SJR 306 (Sen. Watson / Rep. Floyd)
HB 3404 (Ramsey)
HB 3025 (Harmon)
HB 3407 (Harmon)
HB 3417 (Winningham)
HB 3421 (Litz)
HB 3428 (Hackworth)
HB 3448 (Pitts)
HB 3691 (Coleman)
HJR 820 (Faulkner)
HB 3310 (Armstrong), *as amended*
HJR 796 (Bone)
HB 3136 (Bone)
HB 3157 (Curtiss)
HB 3164 (Curtiss)
HB 3788 (J. DeBerry)
HB 2349 (Dennis)
HB 3607 (Fitzhugh)
HB 3589 (Fitzhugh)
HB 2975 (Fitzhugh)
HB 3598 (Fitzhugh)
HB 2496 (Hardaway)
HB 59 (Hardaway)
HB 3130 (Harwell)
HB 3230 (McCord)
HB 3465 (McCord)
HB 3633 (Todd)
HB 3806 (M. Turner)

HB 3591 (L. Miller)
HB 2703 (Montgomery)

Recommended for passage and referred to Calendar & Rules:

HB 3125 (Todd) – As amended in both the House Judiciary Committee and the House Finance Committee, this legislation expands the existing Class A misdemeanor for possession of a handgun while under the influence of alcohol or any controlled substance to include a person possessing a firearm if the person is both in an establishment open to the public where liquor, wine, or other alcoholic beverages are served for consumption on the premises and the person is consuming any such alcoholic beverage. It creates a Class B misdemeanor, punishable by fine only of \$500, for a person to possess a weapon in a building or on property that is properly posted with a handgun restriction notice. Effective September 1, 2010, a component of the classroom portion of all Department of Safety approved handgun courses shall be instruction on alcohol and drugs, the effects of those substances on a person's reflexes, the judgment and ability to safely handle a firearm, and the provisions of Tenn. Code Ann. § 39-17-1321. Furthermore, it deletes the Class C misdemeanor offense for a person, licensed to sell wine or other alcoholic beverages for on the premises consumption, to post a handgun sign at least six inches high and fourteen inches wide pursuant to Tenn. Code Ann. §§ 57-4-203 and 57-3-204.

The bill authorizes an individual, corporation, business entity or local, state or federal government entity to prohibit the possession of a weapon by any person who is at a meeting conducted by, or on property owned, operated, or managed or under the control of the individual, corporation,

business entity or government entity. As amended, it requires an individual, corporation, business entity or local, state or federal government entity that operates or manages an establishment that is open to the public, serves alcohol or beer, and derives less than half (50 percent) of its gross annual revenue from the sale of food, to be determined based on the prior calendar year of operation, to prohibit the possession of weapons by any person who is in the confines of the establishment. If an establishment has not been in existence or sold food for an entire year, the 50 percent shall be determined by the initial partial calendar year in which the establishment has been in existence.

HJR 793 (Marsh) – As amended in House Finance, to take care of the funding for the legislation, this highway sign bill designates the segment of State Route 64 in Bedford County from mile marker 10.8 eastward to mile marker 12.0 as the “*Rear Admiral Jerry Creighton Breast Highway*” and directs the Department of Transportation (TDOT) to manufacture and erect suitable signs. The Finance, Ways & Means Committee Amendment specified that Bedford County will pay TDOT for the manufacture and installation costs of the signage by June 30, 2011, if such signs are to be installed.

BUDGET SUBCOMMITTEE

The Budget Subcommittee of the House Finance, Ways, and Means Committee did not meet on Wednesday, April 21, 2010 as previously scheduled due to members traveling to Memphis for the funeral of Dr. Benjamin Hooks. The forty bills calendared for April 21st will be heard in Budget Sub. on April 28th.

THE FULL COMMITTEE

The House Finance, Ways & Means Committee met on Tuesday, April 27, 2010 to consider thirty-seven bills on the full committee's calendar. The following is a list of the final action taken on the legislation heard before the full committee this week:

Deferred 1 week:

HB 3230 (McCord)
HB 969 (McCord)
HJR 820 (Faulkner)
HB 3788 (J. DeBerry)
HB 2349 (Dennis), *as amended*
HB 1428 (Niceley)
HB 2496 (Hardaway)
HB 59 (Hardaway)
HB 3130 (Harwell)
HB 3633 (Todd)
HB 2187 (K. Brooks)
HB 2885 (Mumpower)
HB 3417 (Winningham)
HB 3691 (Coleman)
HJR 796 (Bone)
HB 3136 (Bone)
HB 3607 (Fitzhugh)
HB 3589 (Fitzhugh)
HB 2975 (Fitzhugh)
HB 3598 (Fitzhugh)
HB 3806 (M. Turner)
HB 3591 (L. Miller)
HB 2703 (Montgomery)

Recommended for passage and referred to Calendar & Rules:

HB 3310 (Armstrong) – As amended in full Finance committee, this legislation enacts “*The Annual Coverage Assessment Act*” which establishes, subject to approval by CMS, an annual coverage assessment on hospitals of 3.52% of a covered hospital's annual coverage assessment base and requires that these assessments be paid in equal quarterly installments until June 30, 2011. It also prohibits a covered hospital from increasing charges or adding surcharges based on or as a result of the annual coverage assessment and prohibits a TennCare MCO from implementing across-the-

board reductions in rates that are in existence on June 30, 2010, for hospitals and physicians by category or type of provider unless mandated by CMS. A Maintenance of Coverage Trust Fund is also created within the bill as amended, which would consist of all annual coverage assessment collections and investment earnings credited to the assets of the fund. These particular funds that are to be collected, along with matching funds drawn down from the federal government, will be used for the benefits and services that are currently subject to be reduced or eliminated in the Governor's proposed FY10-11 budget for TennCare. Those hospitals exempt from this assessment include critical access hospitals, state mental health hospitals, rehabilitation and long-term acute hospitals, St. Jude Children's Research Hospital, as well as state and local governmental hospitals.

HB 206 (Coley) – As amended in House Finance, this legislation requires THEC to study the feasibility of establishing an instructional program in ecological tourism in public universities. THEC would be required to report on the findings and conclusions of their study to both the House and Senate Education Committees by February 1, 2011.

HB 2219 (Stewart) – This bill establishes an EFFECTs position to establish an accountability process to insure state government is efficient, forward-looking, focused, energetic, competent, and transparent. The EFFECTs position would be filled by an existing state employee. Job objectives and responsibilities for this position are established in the bill to include the utilization of precise measures in the determination of the effectiveness of programs; as well as working with the Commissioner of Finance and Administration to ensure the productive use of the workforce; obtaining timely and accurate information about the effects of personnel policies and the ways in which policies can be altered or

enforced to improve morale and increase the performance of state services; examining methods to improve the rapid deployment of services; and working to expand follow-up and the assessment of state constituent services.

HB 3055 (Watson) – This bill, as rewritten in the House Conservation & Environment Committee, defines the carrying capacity of the Ocoee River between Rogers Branch and Caney Creek to be 4,250 commercial customers on dates which the commercial usage exceeded 4,250 in the previous year. It requires that each date on which the carrying capacity was capped for the last season also be capped on the same date for the next season unless the commercial usage fell below 4,050 customers. The legislation also authorizes the Hiwassee/Ocoee Scenic River State Park management to increase or decrease the daily commercial carrying capacity at the lower Ocoee River Recreational area to the extent staffing and infrastructure will allow; provided that any decrease will not go below 4,000. It also authorizes the Commissioner of TDEC to promulgate rules.

SJR 306 (Sen. Watson / Rep. Floyd) – This resolution establishes the “*North Hamilton – Rhea County Creek Management Task Force*” for the study of water management and land use planning as methods of eliminating flooding concerns. The Task Force will meet two times per year and shall consist of members from the cities of Soddy-Daisy, Dayton, Spring City, and Graysville, as well as the mayors of, or a designee from, Hamilton County and Rhea County. The legislative members who represent that district are not required to attend the task force meetings but are instead strongly urged to participate in and to provide assistance with the task force's initiatives. The House Government Operations Committee previously added language to the resolution requiring an annual written report to be delivered to

the House and Senate members representing Hamilton and Rhea counties, the Speakers of the House and Senate, and the members of the House Conservation and Environment Committee and Senate Environment, Conservation, and Tourism Committee. The task force will terminate on June 30, 2012, unless continued by the General Assembly after review by the Government Operations Committees.

HB 3404 (Ramsey) – This bill authorizes all three forms of municipal governments to change the date of municipal elections to coincide with the August or November general election. Municipalities that choose to do so must file a copy of the municipal ordinance with the state coordinator of elections. Under current law, mayor-aldermanic cities may change to any election date, city manager-commission cities may change to the November election date, and modified city manager-council cities may change to the November election date.

HB 3025 (Harmon) – As amended by the House Transportation Committee, this bill deletes the annual safety examination requirement for all for-hire motor carrier vehicles accommodating eight or more passengers. The bill requires an annual safety examination compliance review by the Department of Safety, and defines “compliance review” as reviewing proof of insurance, employee drug testing documents, employee physical examination documents, and vehicle maintenance records. The bill also adds any motor vehicle transporting passengers who are TennCare enrollees considered eligible for transportation services under TennCare to the list of vehicles that must meet certain requirements as a for-hire motor vehicle.

HB 3407 (Harmon) – This legislation increases the fee to obtain motor vehicle accident reports from the current \$4 to \$10. The House Finance Committee amended the bill to add

language requiring all revenue generated from this fee increase to be earmarked by the Dept. of Safety to be used to operate and maintain the TITAN system (Tennessee Integrated Traffic Analysis Network) and to develop and maintain a system to facilitate the online sale of such motor vehicle accident reports.

HB 3421 (Litz) – As amended in the House Consumer & Employee Affairs Committee, this bill requires direct deposit of unemployment insurance benefits to a claimant’s bank account if the claimant submits a written request in addition to a voided check. It prohibits the inclusion of a claimant’s social security number except for the last four digits on a check or other documents when benefits are paid by check, and it requires the Department of Labor and Workforce Development to reissue a check within 90 days of the original check if the claimant files a written report that the check was not received and the claimant was not negligent. The House Finance Committee amended the bill to correct the effective date of the act.

HB 3428 (Hackworth) – As rewritten in the House Finance Committee, this legislation would require courts to assess a \$50 administrative fee from persons who are appointed counsel in court cases involving the termination of parental rights. In the determination of the best interest of the child, failure to pay the administrative fee assessed by the court can be used as evidence of the defendant’s lack of financial responsibility, and as currently in statute, may also be considered by the court as an enhancement factor when imposing sentence if the defendant is found guilty of criminal conduct.

HB 3448 (Pitts) – As amended in House Finance, this bill requires courts to assess a \$50 administrative fee from persons who are appointed counsel in court cases involving the termination of parental rights. In the determination of the best interest of the child, failure to

pay the administrative fee assessed by the court can be used as evidence of the defendant’s lack of financial responsibility, and as currently in statute, may also be considered by the court as an enhancement factor when imposing sentence if the defendant is found guilty of criminal conduct. A severability clause is included within the bill, as amended in House State & Local Government.

HB 3157 (Curtiss) – This bill earmarks revenue from the workers’ compensation premium tax to fund the Workers’ Compensation Advisory Council.

HB 3164 (Curtiss) – This legislation, as rewritten in the House Judiciary Committee, levies a tax on dealers of unauthorized substances. The amendment includes definitions and language to address the concerns of the Supreme Court in *Waters v. Farr* that led the Court to strike down the former statute. The tax is determined by the weight, amount, type, and street-value of the unauthorized substance. The bill, as amended, outlines how the tax is paid and the duties and responsibilities of the Commissioner of Revenue and law enforcement. The allocation of tax proceeds is directed within the legislation, and finally, a severability clause is included.

HB 3465 (McCord) – This bill as amended, in both Government Operations and Commerce Committees, exempts any person that solely manufactures and distributes Federal Aviation Administration-approved avionic equipment from licensing requirements under the Board of Examiners for Architects and Engineers. With the final amendment in the House Commerce Committee, this bill would not authorize the Board to grant other waivers.

BUDGET SUBCOMMITTEE

The Budget Subcommittee of the House Finance, Ways, and Means

Committee met on Wednesday, April 28, 2010 with eighty-four bills on its calendar and addendum. Subcommittee action on these bills is as follows:

Deferred for One Week:

HB 3200 (Winningham), *as amended*
HB 3850 (Richardson)
HB 3259 (McCord), *as amended*
HB 2522 (Matheny)
HB 3526 (Maddox)
HB 1304 (S. Jones)
HB 3114 (S. Jones)
HB 3625 (Hardaway)
HB 2475 (Floyd)
HB 285 (Coley)
HJR 1041 (Armstrong)
HB 3718 (Armstrong)
HB 2781 (Hill)

Last Calendar:

HB 3758 (West)
HB 3627 (Weaver)
HB 772 (M. Turner)
HB 1947 (Shaw), *as amended*
HB 3014 (Sargent)
HB 719 (Niceley)
HB 2655 (Maggart)
HB 2894 (Maggart)
HB 3529 (Maddox)
HB 3393 (Hensley)
HB 3516 (J. DeBerry)
HB 3170 (Curtiss)
HB 3142 (Bell)

Behind the Budget:

HB 2474 (Winningham)
SJR 763 (Sen. Kelsey / Rep. Shipley), *as amended*
HB 2917 (Fincher)
HB 2796 (Ramsey)
HB 3449 (Pitts)
HB 2130 (Mumpower) – *lottery*
HB 3684 (McCord) – *traffic camera*
HB 3247 (McCord), *as amended*
HB 2684 (Hill)
HB 3893 (Hill)
HB 3499 (Hensley)
HJR 955 (Hawk)
HB 3024 (Harmon) – *traffic camera*
HB 2896 (Harmon)
HB 29 (Hardaway)
HB 3606 (Fitzhugh)
HB 3094 (Fitzhugh)
HB 2516 (Faulkner) – *traffic camera*

HB 3169 (Curtiss)
HB 2645 (B. Cooper)
HB 2776 (Casada)
HB 3693 (H. Brooks)
HB 2544 (K. Brooks)
HB 3433 (Bell)

Off Notice:

HB 2740 (Lundberg)

Study Committee Subcommittee:

HB 3451 (Coleman)

Referred to Full Committee:

HJR 851 (West) – This highway sign bill designates the bridge spanning Briley Parkway (State Route 155) on McGavock Pike in Davidson County as the “Chris Levering Memorial Bridge” and directs the Department of Transportation (TDOT) to manufacture and erect suitable signs. As amended by the House Finance Committee, Davidson County will be required to direct the funding for the signs to TDOT by June 30, 2011, if such signs are to be manufactured and installed.

HB 2768 (Shipley) – As amended in the House Judiciary Committee, rewriting the bill, this legislation would require certain DUI offenders to operate only a motor vehicle that is equipped with an ignition interlock device. Drivers convicted of DUI with a blood alcohol content of 0.15% or higher, or with a minor in the vehicle, or convicted of refusing the blood/alcohol test at the same time convicted of the DUI, will be ordered by the court to drive only vehicles equipped with an ignition interlock device. It also creates the Interlock Assistance Fund to assist indigent drivers with costs of the interlock device. Offenders will pay a \$30 fee per month in addition to the cost of the device. The allocation of funds derived from the fees is specified within the legislation.

HB 2928 (Sargent) – As amended in the House Consumer & Employee Affairs Committee, this bill adds language to the Workers’ Compensation Act to exclude from the right to

reconsideration those employees who have a reduction in pay or hours due to economic conditions (i.e., they will not be able to reopen their Permanent Partial Disability claims), if the reduction in pay or hours affected at least one-half of other hourly employees at that same location.

HB 3015 (Sargent) – As rewritten in the House Consumer & Employee Affairs Committee, this bill authorizes a physician to refer injured workers for pain management; and it establishes the date of presumption of maximum medical improvement as the date when a treating physician makes such determination or at 104 weeks after the commencement of pain management, whichever is earlier.

SJR 764 (Sen. Henry / Rep. Naifeh) – This is the memorializing resolution honoring the late Lieutenant Governor John S. Wilder. As amended by the Senate, non-state funds were to be used to name the entire segment of Interstate 40 in Fayette County in the late Lieutenant Governor’s memory as the “Lt. Governor John S. Wilder, Sr., Memorial Highway.” However, to be consistent with the committee’s policy which allows payment from the state’s highway fund for such highway signs memorializing former legislators who have passed away, the Budget Subcommittee amended the resolution by deleting the Senate’s amendatory language requiring non-state sourced funds for payment of the signs’ manufacture and installation.

HB 3191 (Mumpower) – As rewritten in the House Commerce Committee, this bill enacts the “Tennessee Appraisal Management Company Registration & Regulation Act.” Under this legislation, appraisal management companies (AMC) would be under the same rules and regulations as individual appraisers. The Tennessee Real Estate Appraiser Commission will establish a registration program for AMCs. An AMC would be required to post and maintain a \$20,000

surety bond. Registrations will be valid for a two-year period. The Commission is empowered to investigate any complaints received on an AMC and censure, suspend, or revoke an AMC's registration.

HB 2797 (McCord) – As amended in both the House Transportation Committee and again in Budget Sub. to correct a typographical error, this legislation authorizes motor vehicles which are used to carry rafts or rafting equipment for commercial whitewater rafting businesses to operate on certain specified state highway segments when such vehicles are used between the first Friday of each March and the first Sunday of each November, when drivers of such vehicles possess written documentation provided by the Department of Revenue indicating compliance with certain specified insurance liability provisions, and when such vehicles have a height of no more than 17.5 feet. The bill prohibits the use of any bus with an attached trailer from operating on any highway when the combined length exceeds 65 feet, and it also prohibits the use of school buses on any highway when a trailer is attached to such a bus.

HB 3739 (Matheny) – This KIA hwy/bridge sign bill, as amended in the House Transportation Committee, requires the Department of Transportation (TDOT) to name a certain bridge on Highway 41 over the Duck River in honor of a fallen soldier. The structure will be named the “*SGT. David Alexander Stephens Memorial Bridge*” and TDOT is instructed to manufacture and erect suitable signs for this purpose. Sergeant (SGT.) David Alexander Stephens, United States Army, gave his life while serving in the War on Terror, thus the cost of such signage shall be funded in accordance with TCA § 54-1-133.

HB 3740 (Matheny) – This KIA hwy/bridge sign bill, as amended in the House Transportation Committee, requires the Department of

Transportation (TDOT) to name a certain bridge on State Highway 53 spanning over I-24 in honor of a fallen soldier. The structure will be named the “*PFC Brian J. Schoff Memorial Bridge*” and TDOT is instructed to manufacture and erect suitable signs for this purpose. Private First Class (PFC) Brian J. Schoff, United States Army, gave his life while serving in the War on Terror, thus the cost of such signage shall be funded in accordance with TCA § 54-1-133.

HB 2653 (Maggart) – This legislation authorizes a county to prohibit by resolution parking on any roadway under its jurisdiction. This authorization does not extend to federal aid or state highways. The House Transportation Committee added language stating the primary responsibility for enforcing violations of parking on a roadway rests on the county, with a violation of this act constituting a Class C misdemeanor. The county is also authorized with the passage of this bill to prohibit parking on any roadway under its jurisdiction through a resolution of its legislative body.

HB 3549 (Maddox) – This bill, as amended in House Commerce, creates a \$2.5 million cap on the pre-need funeral account. It establishes an indigent burial fund for all monies received by the Commissioner of Commerce and Insurance in excess of the \$2.5 million. The indigent burial fund would be required to reimburse funeral homes that have filed a request for reimbursement, the costs of providing funeral services to those individuals who are indigent. The Commerce Committee also amended the bill to clarify that this program is only for Tennessee residents who were receiving state assistance upon the time of their death. Excess funds and interest earned shall remain in the account and not revert back to the general fund. The reimbursement amount to a funeral home will be based upon available funds in the indigent burial fund. The Commissioner is also

authorized to promulgate rules for the program's administration.

HB 3538 (Maddox) – As rewritten in the Judiciary Committee, this legislation increases the drug testing fee assessed by the Tennessee Bureau of Investigation (TBI) from \$100 to \$250. Proceeds from the fee will be placed in a fund to employ forensic scientist positions, purchase equipment and supplies, and employee training.

HB 3543 (Maddox) – As amended in the House Judiciary Committee, this bill increases the fee from \$100 to \$250 for a blood alcohol or drug test. The offenses of reckless driving and simple possession or casual exchange of a controlled substance are added to offenses for which a fee to conduct a blood alcohol or drug test must be collected. Proceeds from the fee will be placed in a fund to employ forensic scientist positions, purchase equipment and supplies, and employee training.

HB 2665 (Lundberg) – As amended in both the House State & Local Government Committee and the Budget Subcommittee, this bill directs the Commissioner of Veteran's Affairs to convene an advisory committee to make recommendations and issue findings regarding the establishment of a veteran's honor medal program to honor Tennessee's honorably discharged veterans or Tennessee veterans killed during active duty. The advisory committee is directed to consider the design and composition of the honor medal; eligibility criteria for awarding the medal; public and private sources of funding; the estimated cost of manufacturing and awarding of the medal; and other relevant matters to be determined by the committee. The advisory committee is required to report its recommendations and findings to the General Assembly by January 11, 2011, at which time the committee shall cease to exist.

HB 1333 (P. Johnson) – As amended in House Transportation and again in

Budget Sub. to correct a typographical error, this bill requires any individual convicted of vehicular homicide to have their driver license revoked for the period of time established by the court.

HB 3438 (Harrison) – This highway sign bill designates a segment of State Route 33 in Hancock County as the “*Purple Heart Trail*” and directs the Department of Transportation to manufacture and erect suitable signs. The Budget Subcommittee amended the bill to specify that Hancock County will direct funding for the signs to TDOT within one year of the effective date of this act if such signs are to be installed.

HB 3780 (Harmon) – This is the Administration’s driver license bill. Effective October 1, 2010, this bill would increase from five to eight years the renewal cycle for a driver license or photo identification. The legislation increases by \$2 per year, the fee for a license or photo-identification. The Commissioner of Safety is authorized within the bill to issue initial licenses for valid periods of three to eight years in order to transition to an eight year renewal cycle.

HB 1312 (Harmon) – As amended in the House Transportation Committee, this bill would allow a Tennessee Highway Patrol officer with Level I training to stop a commercial vehicle, that is under 26,000 pounds and traveling intrastate, if the officer has probable cause to believe the vehicle is being operated with unsafe loading or mechanical conditions. If the vehicle is determined to be operating with unsafe loading or mechanical conditions, no citation may be issued, but the officer shall implement out of service criteria (which is set forth in the commercial vehicle alliance out of service criteria).

HB 3249 (Harmon) – This bill names a TDOT building once it is built. The legislation designates the new Department of Transportation Administration Building in Chattanooga, when such building is constructed and

ready for occupancy, as the “*Bob Brown Administration Building*” and directs the Department of Transportation to manufacture and erect suitable signs. (Prior to his much deserved retirement in October 2010, Mr. Robert B. “Bob” Brown will have served this state for 56 years through his employment with the Tenn. Dept. of Transportation. He has most recently been serving as the regional director over Hamilton County and 23 other counties, but he humbly started his career with TDOT as a day laborer. Ranked 3rd in longevity amongst his fellow TDOT employees, Mr. Brown has served under 14 commissioners and 9 governors during his distinguished tenure of service.)

HB 3812 (Hardaway) – This bill, as amended in the House Commerce Committee, revises various provisions regarding licensure for locksmiths and locksmith apprentices. The bill prohibits any person, partnership, association, corporation, state, or local government employee from engaging in locksmith services without licensing any employee, agent, or contractor as a locksmith or locksmith apprentice. It also prohibits any person from designating themselves as a locksmith or providing locksmith services without being licensed, thus businesses must register with the state prior to engaging in the locksmithing business. The Commissioner of Commerce and Insurance is authorized, with the passage of the bill, to deny, suspend, or revoke any original or renewal license. The Commissioner is also authorized to consider the rehabilitation of individuals with criminal records prior to issuance or disqualification of an application for licensure. It authorizes the renewal of licenses by a locksmith or locksmith apprentice upon receipt of the renewal fee and penalty, to be established by the Commissioner, up to 90 days after expiration. If the individual fails to renew within the time allotted, then they must file a new application. The amendment also clarifies continuing education requirements.

HB 3923 (Hardaway) – This legislation is another locksmithing bill: as amended in the Budget Subcommittee, this bill would require locksmiths to provide the Department a permanent and verifiable geographic location for their business. The Commissioner is authorized to promulgate rules for continuing education standards and to deny, suspend, or revoke any original or renewal license. The bill increases the civil penalty ranges for violations from \$1,000 minimum and \$5,000 maximum to a range of \$2,500 minimum and \$7,500 maximum for violations, and it also increases, from 6 to 12 months, when a person is ineligible for licensure once found to be operating without a license. Any violation of the act would be a Class A misdemeanor. All locksmiths are required to provide a current and valid locksmith license for advertisement purposes.

HB 3120 (Gilmore) – The Transportation Committee rewrote this bill to create a program in Davidson County to allow persons whose driver license has been suspended and who owe an outstanding judgment for citations over five years old to make a single payment of all state or county fines or costs at a reduced rate of 50 percent during the first six months of the fiscal year. The Department of Safety is authorized, with the passage of this bill, to accept certification of payment in order to restore the person’s driving privileges. The program will sunset on June 30, 2012. All counties are authorized to include fines and costs for a conviction of driving while suspended in payment plans, subject to court approval.

HB 3601 (Fitzhugh) – As amended in the Budget Subcommittee, the State Funding Board’s current authorization to sell general obligation bonds at private sale upon such terms and conditions as it shall determine will be extended by one year, from June 30, 2011 to June 30, 2012. Authorization is also extended by two years, from June 30, 2010 to June

30, 2012, for Hamilton, Knox, Davidson, and Shelby counties, or the municipalities that are the county seats of these counties, to sell general obligation bonds at negotiated sale upon such terms and conditions as each local governmental body shall determine. The bill also establishes the effective interest rate on Build America Bonds, whether sold by the state, Hamilton, Knox, Davidson, or Shelby counties, or the county seats of such counties, to be based on the lowest taxable interest rate bid less the federal subsidy, or in the case of a negotiated sale, the taxable interest rate negotiated less the federal tax subsidy.

HJR 917 (Fitzhugh) – This KIA highway/bridge sign bill designates the first bridge on State Route 19 in Lauderdale County west of its intersection with Craig Road as the “*Elmer Eugene Byrum Jr. Memorial Bridge*” and directs the Department of Transportation to erect suitable signs. The late Elmer Eugene Byrum, Jr., U.S. Army, made the ultimate sacrifice for his country on October 10, 1952, while serving in the Korean War, thus the signs shall be funded in accordance with Tennessee Code Annotated, § 54-1-133.

HB 2671 (Evans) – As amended by the House Judiciary Committee, this legislation specifies that in any county in which the judicial commissioner is selected by the general sessions judge, the county legislative body may elect, by a two-thirds (2/3) majority, to allow each judicial commissioner to receive his or her 12 hours of annual continuing education by the appointing general sessions judge or judges rather than the Judicial Commissioners Association of Tennessee or the Tennessee Court Clerks Association. The Budget Subcommittee also added language requiring duly appointed judicial commissioners in Knox County to be considered as “magistrates” for purposes of continuing education, thus limiting judge supervised training for

such continued education to Knox County.

HB 3351 (Curtiss) – As amended in the Budget Subcommittee, this bill requires the Fiscal Review Committee to include monetary estimates for the three years immediately following the effective date of a bill on the fiscal note. It also requires any agency, at the time of a new rule’s proposal to the Secretary of State, to provide a table of all pending rules and regulations with a projected financial impact on local governments. Any agency submitting rules for approval to the Secretary of State would be required to include a simple declarative sentence stating whether the proposed rule or regulation will have a financial impact on local government and whether that impact will be an increase in expenditures or a reduction in revenue.

HB 376 (Coley) – As amended in the House Education Committee, this bill urges teacher training programs to explore ways to incorporate into existing teacher training curriculum research methodologies related to comparative education concepts that study and examine other countries’ teaching practices.

HB 209 (Coley) – As amended in the House Education Committee, this legislation requires the Department of Education, in conjunction with the Confucius Institutes established at the University of Memphis and MTSU, to study the Hanyu Shuiping Kaoshi proficiency tests which measure the Chinese language skills of non-native speakers, with particular focus on the young learners’ test, for students under age 15. The Department of Ed. is instructed to use the results of the study to guide implementation of a pilot program to craft better diagnostics for other foreign languages at the elementary and secondary levels. Also, the Confucius Institutes at the University of Memphis and MTSU are required to study the Hanyu Shuiping Kaoshi test and the business Chinese

test for the purpose of establishing a pilot program to replicate the Hanyu Shuiping Kaoshi test’s methodologies so they can be replicated in the construction of diagnostic language tests in other languages at the postsecondary level.

HB 2947 (Coley) – As amended in the House Education Committee, this bill allows schools to establish an International Baccalaureate (IB) or Advanced Placement (AP) subaccount to receive funds from entities who wish to support these programs. The funds in these subaccounts shall only use such funds for these programs. It requires principals of schools establishing an IB or AP account to appoint a committee that will determine the best use of these funds.

HB 3717 (Carr) – This legislation, as amended in the House Commerce Committee, would require insurers to offer Medicare supplement policies to persons who are under 65 years of age and eligible and enrolled in Medicare by reason of disability or end stage renal disease. These individuals would be in a separate pool and premiums could differ based on different rate schedules. The Department is directed to conduct a study in 2016 for the purpose of determining the appropriateness of separate premium rates for populations under 65 years of age and shall evaluate whether continued separate premium rates are justified.

HB 3412 (Brown) – As amended in the House Judiciary Committee, this bill requires reports of suspected child abuse to include the telephone number of the child and the person responsible for the care of the child. DCS is required to forward reports or investigations of suspected child abuse, human trafficking or child pornography to appropriate law enforcement agencies immediately upon receipt of the report. Both DCS and law enforcement agencies must maintain a log of all reports of child abuse. Additionally, any employee of a school

district, aware of investigations of employee misconduct which involves alleged child abuse, must report those investigations to DCS and appropriate law enforcement agencies immediately.

HB 3334 (H. Brooks) – As amended in both the House Education Committee and the Budget Subcommittee, this bill enacts the “*Financial Literacy Program Act of 2010*.” It creates the Tennessee Financial Literacy Commission to raise funds and manage programs to include financial literacy programs for elementary school students and programs to train their parents to save for college, and to educate the public regarding personal financial management. The Commission will be a non-profit organized under 26 USC § 501(c)(3), and will be administratively attached to the State Treasurer’s office, and will also be subject to examination and auditing by the Comptroller. The Commission may accept gifts and make grants to carry out purpose of the act. An eleven-member board of directors is created within the bill to oversee the implementation of the act. The eleven board members shall include the State Treasurer, the Commissioner of Financial Institutions, and the Commissioner of Education, with all three serving as ex officio members to

the board of directors. The Budget Subcommittee amended the bill to require that the non-ex officio members be appointed as follows: four members (who are actively involved in financial literacy, except one member must be a parent of a TN public elementary school student) appointed by Speaker of Senate; four members (who are actively involved in financial literacy, except one member must be a teacher or administrator of a TN public elementary school) appointed by the Speaker of the House. The Speaker of the House can consider his selections from the names recommended by the following organizations: TN Bankers Assoc. board of directors, TN Credit Union League board of directors, TN Consumer Finance Association board of directors, and the Tennessee Education Association (TEA) board of directors. The Speaker of the Senate can consider his selections from the names recommended by the following boards: TN Society of Certified Public Accountants board of directors, Tennessee Jump \$tart Coalition board of directors, TN Cash Advance Association board of directors, and the TN State Parent Teacher Association (PTA) board or other governing boards of a TN State parent-teacher organization or association. The Speakers must strive to ensure that at

least one person is over 60 years of age or of the female gender and that one board member is a racial minority. The terms of office for each appointed director shall be four years with selected terms staggering: two of Senate Speaker’s initial appointees and two of House Speaker’s initial appointees shall serve four years each. One of Senate Speaker’s initial appointees and House Speaker’s initial appointees shall serve three years each; and one of Senate Speaker’s initial appointees shall serve a two-year term and one of the House Speaker’s initial appointees shall serve a two-year term as well. Each director is instructed to serve until his or her successor is appointed. An appointment to fill a vacancy occurring before the expiration of a term is to be for the remainder of the unexpired term being filled. The Commission will be required to report annually to the General Assembly on their activities of the previous year, with the first report due by Feb. 1, 2011. The Budget Subcommittee also included additional sunset language to the bill by requiring the Commission to terminate on June 30, 2012, pursuant to §4-29-118, unless continued by the General Assembly. A severability clause is also included.



The **Government Operations Committee** met on April 28, 2010 to consider 11 Bills.

The following bill was recommended for passage and referred to Conservation and Environment:

HB 3904 by Winningham – This bill was sent to Conservation and Environment, with expectations that it will be amended in that committee, to

create the “Tennessee Off-Highway Vehicle (OHV) Grant Act.”

The following bill was recommended for passage and referred to Finance:

HB 3476 by Kernell - Requires any proceedings held involving a licensed entity be conducted following the Uniform Administrative Procedures Act. Prohibits the requirement of any licensed entity, as a condition of

contracting with the same department or agency of Tennessee state government that issues and regulates its license, to waive or forfeit due process rights when entering into a contract with the state.

The following bills were taken off notice:

HB 3596 by J. Turner
HB 3597 by J. Turner
HB 3934 by J. Turner

HB 1809 by West
HB 3154 by Tindell
HB 1343 by Faulkner

The following bills were rolled:

HB 2456 by Lynn
HB 2454 by Lynn
HB 1078 by Lynn



HEALTH & HUMAN RESOURCES

Judy Narramore

(FOR THE WEEK OF APRIL 21, 2010)

FULL COMMITTEE

The **Health & Human Resources Committee** met Tuesday morning, April 20, 2010, with 11 bills and one resolution on calendar. Prior to taking up the calendar, **Chairman Armstrong** recognized a representative of the Tennessee Primary Care Association for a brief video presentation on behavioral health services provided by their network providers.

HB 1895 (Haynes) was taken off notice at the request of the sponsor. Rep. Maggart took **HB 2873 (Maggart)** off notice. **HB 3368 (Maggart)** as amended that establishes either a registered nurse (RN) or licensed practical nurse (LPN) may supervise a medication aide certified working in a nursing home or assisted care living facility was referred to C&R. **HB 2655 (Maggart)** as amended that enacts the “Tennessee Medication Therapy Monitoring and Management Act of 2010” was referred to FW&M. This Act applies to all drugs except anti-seizure drugs, defines “medication therapy monitoring and management program” and “drug interchange,” authorizes a prescriber to determine that a drug interchange is acceptable by a pharmacist provided that the prescriber is notified of the interchange, requires the prescriber to write “Notify of Interchange” or “NOI” on all written or faxed prescriptions or enter in the comments section of any electronic prescription, authorizes

notification to the prescriber to be made verbally, by fax, or electronically, requires notice to the patient or patient’s representative and the prescriber at the time of dispensing, and exempts prescriptions written for inpatients and outpatients of a hospital where the authorized provider writes or enters the order into the medical record, or residents of a nursing home, assisted living facility, mental hospital or residential facility, or individuals incarcerated in a local, state, or federal correctional facility. Rep. Richardson offered an amendment to **HB 2562 (Richardson)** (medical marijuana) that rewrote the bill to direct the Board of Pharmacy to study issues related to the medical use of marijuana and report its findings to the House and Senate Health committees by April 1, 2011. The amendment was debated at length before it failed 9-12 on a roll call vote, at which time Rep. Richardson rolled HB 2562 one week. Rep. Shepard offered an amendment to **HB 3805 (Shepard, M. Turner)** that rewrites the bill to revise a number of present law administrative functions of several boards attached to the Department of Health. Committee members considered testimony by the Department of Health and discussion on HB 3805 before Rep. Shepard rolled the bill one week with the amendment pending. **HB 3316 (Matheny)** as amended previously in full committee to establish that if an appeal to chancery court is filed concerning a decision granting a certificate of need (CON) to an entity when an administrative law judge has ruled to affirm or deny such decision, all costs of the appeal will be

assessed against the person filing the appeal if the chancery court decision on appeal is the same as the Health Services and Development Agency and the administrative law judge decision was rolled to last calendar at the request of the sponsor. **HJR 1041 (Armstrong)** as amended that states the General Assembly’s hope for the Department of Health to consider working in the best interest of the public health of citizens with, and at risk for, Chronic Obstructive Pulmonary Disease (COPD), and further, states the Department should continue to strengthen its programs that have an impact on the prevalence of COPD, work with groups and providers to better educate Tennesseans about COPD, and review existing programs as well as new models and funding that can assist the Department in its efforts to improve the health and well-being of persons as it relates to the prevention of COPD was referred to FW&M. **HB 3834 (Sontany, M. Turner)** was rolled one week at the request of the sponsor. **HB 3529 (Maddox)** as amended that creates a Department of Aging and transfers the powers and responsibilities of the Commission on Aging and Disability to the newly created Department was referred to FW&M. **HB 3580 (Hensley)** that requires an advanced practice nurse or physician’s assistant to be under the direct supervision of a licensed physician or osteopathic physician who is actively practicing spinal injections when performing invasive procedures involving any portion of the spine, spinal cord, sympathetic nerves, or block of major peripheral nerves in a licensed

facility, defines “direct supervision” as being physically present in the same building as the advanced practice nurse at the time the invasive procedure is performed, and grants the physician’s licensure board authority to discipline a physician for violation, including civil penalties up to \$1000, was re-referred to the Professional Occupations Subcommittee at the request of the sponsor. Speaker Pro Tem L. DeBerry rolled **HB 2145 (Kernell)** that requires the Child Care Certificate Program Policies & Procedures Manual developed by the Department of Human Services to be promulgated as a rule in accordance with the Uniform Administrative Procedures Act relative to child care agencies and authorizes the appeal of any adverse action taken against a child care agency to the Child Care Agency Licensing Board of Review one week pending a report from the special committee appointed by Chairman Armstrong to work out a compromise on this bill.

Chairman Armstrong announced Tuesday next, April 27, 2010, will be the committee’s final calendar.

The subcommittees of the Health & Human Resources Committee are closed.

(FOR THE WEEK OF APRIL 28, 2010)

FULL COMMITTEE

The **Health & Human Resources Committee** held its **final meeting** of the *106th General Assembly* on Tuesday morning, April 27, 2010, with nine bills and two resolutions on the calendar and addendum. **Chairman Armstrong** recognized committee members and staff for their dedication and service to the Committee.

HB 3316 (Matheny) was taken off notice at the request of the sponsor. Rep. Maddox took **HB 3552 (Maddox)** off notice. **SJR 0890** (carried in House by Rep. Weaver) that

states Tennessee’s support for the current mammogram standards promoted by the American Cancer Society and urges against the federal government discouraging early screening was referred to C&R. **SJR 0886** (carried in House by Rep. Ferguson) that designates May 2010 as “Prater Willi Syndrome Awareness Month” in Tennessee was referred to C&R. **HB 3346 (H. Brooks)** was taken off notice at the request of the sponsor. **HB 3584 (Coleman)** was taken off notice at the request of the sponsor. **HB 3834 (Sontany, M. Turner)** as amended was debated for more than an hour before it was referred to FW&M 16-10 on a roll call vote. Amendment 1 to HB 3834 authorizes the Commissioner of Health to charge a registration fee for each rabies vaccination certificate in an amount not to exceed that required by the cost of the program. Amendment 2 to HB 3834 caps the proposed registration fee at two dollars per year for which an animal is registered. **HB 2562 (Richardson)** as amended that urges the Board of Pharmacy, Board of Medical Examiners, Department of Health, Tennessee Bureau of Investigation, Tennessee Sheriffs’ Association, and Department of Agriculture to study issues related to the medical use of marijuana and report their findings to the House and Senate Health Committees by February 15, 2011, was referred to FW&M. **HB 3805 (Shepard, M. Turner)** as amended that revises a number of present law administrative functions of the Department of Health’s Division of Health Related Boards and several regulatory boards within the Division was referred to C&R. After an hour of debate, **HB 2145 (Kernell)** as amended was referred to Gov. Op. Amendment 1 to HB 2145 changes the effective date from January 1, 2010, to January 1, 2011. Amendment 2 to HB 2145 that rewrites all but the effective date to require the Department of Human Services (DHS) to develop and administer a Tennessee Child Care Certificate Program (Program); to

require DHS to promulgate regulations for the Program, including regulations to cover the material terms of the contract required for participation in the Program; to require DHS to notify a provider who is in breach of a contract to participate in the Program within 30 days prior to DHS terminating the contract or withholding more than 25 percent of the provider’s average monthly compensation for the lesser of the preceding 12 months or the total number of months the provider has participated in the program; to authorize the provider to file a complaint with the Tennessee Claims Commission if the provider disagrees with the proposed action by DHS; to require the Claims Commission to hold an expedited hearing within 30 days of the provider’s filing in order to determine whether the provider has breached the contract; to prohibit DHS from taking the proposed termination or withholding action until the Claims Commission determines that the provider has committed a material breach of contract; and, to authorize either party to appeal a decision of the Claims Commission to the Davidson County Chancery Court was adopted 16-6 on a roll call vote. **HB 1895 (Haynes)** as amended that requires the Board of Medical Examiners to grant an extension beyond seven years from the date of whichever step of the United States Medical Licensing Examination was completed first to an applicant who is licensed in good standing in three other jurisdictions and who has otherwise met the licensure requirements and includes a June 30, 2013, sunset provision for the legislation was referred to C&R.

The **Health & Human Resources Committee** is now closed subject to the call of the chair.



(FOR THE WEEK OF APRIL 20TH)

FULL COMMITTEE

The **Judiciary Committee** passed out nineteen bills on Tuesday, April 20th during its full committee meeting.

HB 3792 (Turner M) as amended by Government Operations, creates the Tennessee Criminal Justice Coordinating Council consisting of 19 members. The Council is charged with collaborating with and coordinating the services of state and local governmental agencies and non-governmental entities in the criminal justice system to increase public safety. The Council will sunset in 2011.

[passed to Calendar & Rules]

HB 2997 (DeBerry J) requires the TBI to remove all data on a sexual offender from the sexual offender registry within 30 days of receipt of notice of the offender's death.

[passed to Calendar & Rules]

HB 2000 (Curtiss) as amended, makes changes to deficiency judgments in foreclosure cases. The deficiency judgment shall be the total debt plus costs for the foreclosure and sale minus the fair market value of the property. It creates a rebuttable prima facie presumption that the sale price at foreclosure was the fair market value. The debtor may overcome the presumption by proving a material difference in the sale price and the fair market value. The amendment also creates a 2-year statute of limitations to bring an action for a deficiency judgment.

[passed to Calendar & Rules]

HB 3057 (Dennis) as amended, is identical to **HB 2000 (Curtiss)** except it places the language in Title 25 instead

of Title 35. It makes changes to deficiency judgments in foreclosure cases. The deficiency judgment shall be the total debt plus costs for the foreclosure and sale minus the fair market value of the property. It creates a rebuttable prima facie presumption that the sale price at foreclosure was the fair market value. The debtor may overcome the presumption by proving a material difference in the sale price and the fair market value. The amendment also creates a 2-year statute of limitations to bring an action for a deficiency judgment.

[passed to Calendar & Rules]

HB 2952 (Brooks K) prohibits state agencies and local governments from requiring law enforcement officers to issue a certain number of traffic citations as a condition of evaluation, promotion, compensation, or discipline.

[passed to Calendar & Rules]

HB 3768 (Dennis) as amended, states that it is the public policy of Tennessee to only recognize foreign judgments if they do not violate an individual's rights under the U.S. Constitution or Tennessee Constitution. Furthermore, Tennessee would preserve an individual's constitutional rights in enforcing any foreign choice of law or choice of venue provisions in any contract or other agreement.

[passed to Calendar & Rules]

HB 2284 (Ferguson) as amended, requires healthcare professionals and healthcare facilities to check the sex offender registry, the adult abuse registry, the elder abuse registry for all potential employees on or after October 1, 2010. Any potential employee found on these registries shall not be hired to provide direct patient care. The

Department of Health is charged with linking these registries on its website.

[passed to Government Operations]

HB 2968 (Jones U) as amended, creates a Class A misdemeanor offense for a person knowingly to produce, manufacture, distribute, or possess synthetic marijuana.

[passed to Finance, Ways & Means]

HB 1129 (Hardaway) enacts the "Crime Free School Zone Act" which enhances fines for criminal offenses committed within a school zone. Three amendments were adopted. The first amendment removes the maximum sentence and fine if the offense was a Class A felony, and requires the offender to perform community service as part of any suspended sentence or parole. The second amendment corrects a citation and changes the effective date to July 1, 2010. The third amendment clarifies that the offender will not be subject to additional prison time, just additional fines for an offense committed in a school zone.

[passed to Finance, Ways & Means]

HB 3538 (Maddox) increases mandatory drug testing fee from \$100 to \$250 and additionally imposes fine on granting of pretrial or judicial diversion. TBI will place the proceeds from these fees in a specific fund to pay for personnel, equipment, etc.

[passed to Finance, Ways & Means]

HB 3543 (Maddox) increases the fee to conduct a blood alcohol drug test (BADT) from \$100 to \$250. It also adds reckless driving and simple possession or casual exchange of a controlled substance to offenses for which a fee to conduct a BADT must be collected.

[passed to Finance, Ways & Means]

HB 2821 (Cobb, T) establishes the “Tennessee Criminal Gang Registration Act of 2010.”

Directs the Tennessee Bureau of Investigation (TBI) to create, maintain and make available for public inquiry on the Internet a Criminal Gang Offender Registry to include any person receiving an enhanced punishment for a criminal gang offense. Criminal gang member fees assessed to offenders receiving an enhanced punishment will be transmitted to the state general fund and appropriated to the TBI to administer the registry.

[passed to Finance, Ways & Means]

HB 3516 (DeBerry J) eliminates parole for any person committing a criminal offense on or after July 1, 2010. Any person who receives parole for an offense committed before July 1, 2010, but has their parole revoked because they committed a new criminal offense, shall serve 100% of the sentence imposed by the court for such subsequent offense.

[passed to Finance, Ways & Means]

HB 3518 (DeBerry J) broadens the definition of child abuse and child neglect or endangerment to include placing the child at a substantial risk of injury or harm.

[passed to Finance, Ways & Means]

HB 2783 (Hill) as amended, creates the new offense of aggravated domestic assault. The amendment also defines aggravated domestic assault as punishable under the high-end range of aggravated assault.

[passed to Finance, Ways & Means]

HB 2796 (Ramsey) provides that the offense of soliciting the sexual exploitation of a minor can be prosecuted in Tennessee against person located outside the state if the person solicited a law enforcement officer posing as a minor.

[passed to Finance, Ways & Means]

HB 3385 (Sontany) as amended, makes revisions to the Tennessee Court Reporters Act of 2009.

Under this legislation, a licensed court reporter is not required to be a notary public to record any court proceeding, administrative law proceeding, deposition, or any other proceeding, and that transcripts taken by a licensed court reporter are not required to be notarized. The amendment extends the effective date from January 1, 2010 to January 1, 2011, and extends the eligibility

for licensure by grandfathering from July 1, 2009, to January 1, 2010.

[passed to Finance, Ways & Means]

HB 3271 (Fincher) adds the offense of attempt to commit murder in the first degree to list of offenses for which a defendant must serve 85 percent of the sentence imposed by the court.

[passed to Finance, Ways & Means]

HB 3272 (Fincher) provides that a person who solicits a minor to commit a sexual offense and travels in, to, or from this state for the purpose of completing the solicited offense commits the same classification of offense as the most serious offense solicited.

[passed to Finance, Ways & Means]

The following bills were rolled one week:

HB 3537 (Maddox)

HB 3058 (Niceley)

HB 3380 (Sontany)

HB 1700 (Watson)

HB 2881 (Rich)

HB 3269 (Fincher)

HB 3283 (Coleman)

The following bills were taken off notice:

HB 3539 (Maddox)

HB 3278 (Maggart)

HB 1701 (Watson)

HB 2835 (Dennis)

HB 3035 (Dennis)

HB 2689 (Coleman)

HB 234 (Coleman)

HB 3284 (Coleman)

HB 2691 (Coleman)

The following bills were referred to summer study:

HB 1645 (Jones U)

HB 2659 (Faulkner)

HB 3338 (Carr)

The **Criminal Practice and Procedure Subcommittee** and the **Civil Practice and Procedure Subcommittee** are both closed subject to the call of the chair.

(FOR THE WEEK OF APRIL 27TH)

FULL COMMITTEE

The **Judiciary Committee** passed out four bills on Tuesday, April 27th during its full committee meeting.

HB 3537 (Maddox) designates certain fees be added as court costs upon conviction for lab work performed by TBI and allocates proceeds from such fees to a fund for use by TBI. An amendment was adopted that removes the \$20 and \$100 fee for pieces of evidence or DNA exhibits submitted to TBI for analysis. Also, court clerks are authorized to collect litigation taxes upon the forfeiture of a cash bond entered as a result of a traffic citation.

[passed to Finance, Ways & Means]

HB 3058 (Niceley) as amended, requires private, for-profit railroads exercising eminent domain over property to determine the fair market value of that property on the highest and best use. If the property is currently zoned for agricultural or residential use, then that zoning will be ignored and value will be based on the zoning stated in the purpose of the condemnation.

[passed to Finance, Ways & Means]

HB 3380 (Sontany) as amended, defines “employee” for purposes of who a deposition shall not be taken before. An employee would be a

person who has a contractual relationship with a person or entity interested in the outcome of the litigation, including a person who is employed or contracted with to provide reporting or other court services. The amendment also states that this provision shall not restrict an attorney from hiring court reporting services in any case where he or she is not a party. *[passed to Calendar & Rules]*

HB 3269 (Fincher) creates a separate Class C felony offense of manufacturing meth in a residence in which a child less than 13 years of age resides. *[passed to Finance, Ways & Means]*

The following bills were referred to summer study:

HB 2881 (Rich)

HB 3283 (Coleman)

HB 1700 (Watson) failed for lack of a motion.

The **House Judiciary Committee** is now closed subject to the call of the chair.



(FOR THE WEEK OF APRIL 21ST)

LOCAL GOVERNMENT SUBCOMMITTEE

The **Local Government Subcommittee** met on Tuesday and moved one bill to the full committee.

HB 3353 (Curtiss) as amended would combine the procurement of goods and services for the State of Tennessee into one office. The position of Chief Procurement Officer (CPO) will be created, and that individual will be appointed by the governor. The CPO would have experience in public procurement and contract administration. The current Board of Standards and Review Committee will be replaced by the State Procurement Commission. The State Procurement Commission would have three members – The Comptroller of the Treasury and the Commissioners of Finance & Administration and General Services. There would also be an Advisory Council for State Procurement created which would review and issue formal comments on rules, regulations, policies, standards, guidelines, and procedures. When a bill is introduced in the General Assembly that deals with contracts or procurement, the standing committee may refer that bill to the Advisory Council. The council would then describe the potential effects of the

proposed legislation. There was a verbal amendment that was added in subcommittee that removed a portion of the amendment that allowed the Advisory Council to make recommendations against passage of legislation. An additional amendment was added in subcommittee that required the Chief Procurement Officer to have training and experience in administering programs that enhance economic opportunities for small businesses and minority-owned businesses. *[passed to the full committee]*

FULL COMMITTEE

The **State & Local Government Committee** passed out ten bills on Tuesday during its full committee meeting.

HB 3353 (Curtiss) Due to the Local Subcommittee meeting taking place directly before the full State & Local Government Committee hearing on Tuesday, the full committee participated in the discussion on HB 3353. However, there were two verbal amendments added to the bill in the full committee hearing. The first amendment specified that the Comptroller and the Commissioner of Finance & Administration would appoint the representative from their offices to the Advisory Council. The second

amendment that was adopted required the makeup of the advisory council to include minority representation. The bill was rolled for one week to allow the committee to consider the amendments that were added in committee. *[rolled one week]*

HB 3456 (Odom) as amended would not allow a registered voter in Tennessee to be purged due to a deficient registration form unless the county election administrator has declared that the voter knowingly made or consented to false information being placed on the registration form. There was a verbal amendment adopted by the committee that would also require the registered voter to provide a valid signature. *[passed to Calendar & Rules]*

SJR 869 (Carr) names the Tennessee Career Center in Murfreesboro in honor of Harold Shackelford. *[passed to Calendar & Rules]*

SJR 767 (Todd) expresses support for the Tennessee Chapter of the Trail of Tears Association and commemorative events honoring Native Americans. *[passed to Calendar & Rules]*

HB 3979 (Ferguson) subject to local approval sets the salary of the Roane County attorney to 60% of the general sessions judges' salary. It also allows

for the payment of reasonable travel expenses related to the county attorney's office upon showing receipts. *[passed to Calendar & Rules]*

HB 2713 (Turner M) would revise the provisions governing a municipality annexing by ordinance territory outside its urban growth boundary. *[passed to Calendar & Rules]*

HJR 1019 (Brooks) as amended commends the Republic of China (Taiwan) for its relations with the United States. *[passed to Calendar & Rules]*

HB 2998 (DeBerry J) allows a municipality to contract and outsource processing of property tax relief applications to another collecting official. It also permits the waiver of the deadline of an application for good and reasonable cause. *[passed to Calendar & Rules]*

HB 3451 (Coleman) as amended would create a special joint committee to study property tax relief for veterans. *[passed to Finance, Ways & Means]*

HB 2827 (Coley) as amended would authorize community organizations the right to petition and enter upon property to remove litter. All of the liability involved in entering the property would be placed on the community organization, instead of the municipality. A verbal amendment was added in committee that would make this legislation apply only to vacant property. *[passed to Calendar & Rules]*

HB 3956 (Stewart) as amended would allow multifamily residential establishments that have been damaged by fire or wind to be repaired without having zoning changes superimposed on the property that may have occurred after the construction of the establishment but before the damage was caused. *[passed to Calendar & Rules]*

The following bills were rolled one week:

HB 3182 (Turner M)
HB 3402 (Turner M)
HB 2911 (Gilmore)
HB 3197 (Faulkner)
HB 2822 (Cobb T)
HB 2044 (Jones U)
HB 3070 (Jones U)
HB 3914 (Jones U)
HB 499 (Todd)
HB 3695 (Niceley)
HB 3853 (Niceley)
HB 2492 (Weaver)

HB 3576 (Rowland) failed to move out of committee

ELECTIONS SUBCOMMITTEE

The **Elections Subcommittee** is closed subject to the call of the chair.

STATE GOVERNMENT SUBCOMMITTEE

The **State Government Subcommittee** is closed subject to the call of the chair.

(FOR THE WEEK OF APRIL 28TH)

FULL COMMITTEE

The **State & Local Government Committee** passed out ten bills on Tuesday during its full committee meeting. The committee completed its business and is **closed subject to the call of the chair.**

HB 3182 (Turner M) as amended deletes the current language under the prohibited practices section of T.C.A. Chapter 19 which prohibited use of corporate funds for independent expenditures and also for contributions and puts back in the language prohibiting corporate contributions but places it in T.C.A. Chapter 10 relative to campaign finance. The amendment also designates corporations making independent expenditures as a PAC for the purposes of reporting expenditures. All of the current filing deadlines and

reporting requirements for PACs will also apply to corporations that make independent expenditures, and these corporations are required to appoint a treasurer.

[passed to Calendar & Rules]

HB 3402 (Turner M) as amended requires that if a solid waste facility applies for a permit to accept radioactive material, then the applicant must publish a notice in the local newspaper describing the waste that will be accepted by that facility within 10 days of applying for the permit. A verbal amendment was adopted by the committee that would also require a copy of the notice to be sent to the local government where the facility is located.

[passed to Finance, Ways & Means]

HB 2492 (Weaver) as amended exempts Smith County firefighters from the minimum state training requirements. The firefighters in Smith County are not eligible to receive any state pay for training. *[passed to Calendar & Rules]*

HB 2911 (Gilmore) as amended would prohibit nuclear waste from being dumped in Tennessee landfills. It would also require the Tennessee Department of Environment and Conservation to increase their current monitoring guidelines for landfill facilities in the state. There would be a minimum 3.5 cent per pound fee on all items that are contaminated or potentially contaminated with radioactive material that is received at a processing, storage, disposal, or refurbishing facility in the state. There are also strict guidelines set for the cleaning of vehicles that leave solid waste disposal facilities in the state. The committee adopted an additional amendment that eliminates the processing of nuclear materials at facilities in Tennessee. This bill was referred to a summer study committee for further discussion. *[referred to a summer study committee]*

HB 3853 (Niceley) as amended prescribes measures to be taken by operators of solid waste disposal facilities or parcels to minimize soil erosion upon closure of such facilities or parcels.
[passed to Calendar & Rules]

HB 2822 (Cobb T) as amended would prohibit the state or any of its departments, agencies, or political subdivisions from entering into, or renewing, a contract for services performed by or at a call center with a vendor who plans to outsource services to be provided by any person residing in a foreign country. An additional amendment was adopted that would allow a vendor that will outsource its services to a foreign country to receive a contract if no vendor that will not outsource its services can be found during the bidding process.
[passed to Finance, Ways & Means]

HB 2044 (Jones U) as amended would allow the two current “package stores” that sell alcohol in the City of Lakewood to remain open if Lakewood falls under the jurisdiction of the General Services District of Davidson County. That district does not allow “package stores”.
[passed to Finance, Ways & Means]

HB 3914 (Jones U) as amended defines ancillary structures that are part of a public use facility as a qualified public use facility. This bill applies to the Pyramid in Memphis.
[passed to Finance, Ways & Means]

HB 3070 (Jones U) as amended authorizes Shelby County to sell at public auction commercial and residential properties that are subject to tax sale that are located in a federally designated empowerment zone or renewal community. The minimum bid must be the lesser of the property’s assessed value or the total taxes, interest, penalties, and costs of collection owed.
[passed to Finance, Ways & Means]

HB 499 (Todd) as amended defines “limited service restaurant” as a facility with a 40-person seating capacity where the sale of food represents 50 percent or less of the establishment’s gross revenue. It also authorizes establishments licensed as a “restaurant” to transfer their license to a “limited service restaurant”, and it authorizes the sale of alcoholic beverages for on-premises consumption at limited service restaurants.
[passed to Finance, Ways & Means]

HB 3353 (Curtiss) as amended would combine the procurement of goods and services for the State of Tennessee into one office. The position of Chief Procurement Officer (CPO) will be created, and that individual will be appointed by the Governor. However, the Governor is required to consult with the Comptroller in selecting the CPO. The CPO would have experience in public procurement and contract administration, and would establish a central bidder relations management process to provide bidders and vendors with training and assistance to properly conduct business with the state. The current Board of Standards and Review Committee will be replaced by the State Procurement Commission. The State Procurement Commission would have three members – The Comptroller of the Treasury and the Commissioners of Finance & Administration and General Services. There would also be an Advisory Council for State Procurement created which would review and issue formal comments on rules, regulations, policies, standards, guidelines, and procedures. When a bill is introduced in the General Assembly that deals with contracts or procurement, the standing committee may refer that bill to the Advisory Council. Unless otherwise specified in the legislation, this act will take effect on October 1, 2011.

[passed to Government Operations]

HB 3197 (Faulkner) was taken off notice

HB 3695 (Niceley) failed to move out of committee

ELECTIONS SUBCOMMITTEE

The **Elections Subcommittee** is closed subject to the call of the chair.

STATE GOVERNMENT SUBCOMMITTEE

The **State Government Subcommittee** is closed subject to the call of the chair.

LOCAL GOVERNMENT SUBCOMMITTEE

The **Local Government Subcommittee** is closed subject to the call of the chair.

The **House State & Local Government Committee** is now closed subject to the call of the chair.

**(SUMMARY OF FINAL MEETING
ON 4/20/10)**

FULL COMMITTEE

The **House Transportation Committee** convened April 20, 2010 to hear twelve bills.

HB2230 (Fitzhugh), HB3331 (H. Brooks), HB3371 (Haynes), HB2728 (Harmon) and HB3408 (Harmon) were taken off notice.

The following bills were passed by the committee and referred to the **Finance, Ways and Means Committee**.

SJR764 (Naifeh) – Designates Interstate 40 in Fayette County as the “Lt. Governor John S. Wilder, Sr., Memorial Highway” and requires that non-state funds pay for the signs.

HJR955 (Hawk) – Names the Welcome Center at Exit 9 on I-26 in Unicoi County “Zane Whitson Welcome Center.”

SJR899 (Tidwell) – “Roy Bell and David O’Guin Memorial Bridge” highway signs for a bridge on S.R. 438 in Perry County.

HB2653 (Maggart) – Allows counties to regulate parking on roadways solely under their jurisdiction by resolution. As amended, the primary responsibility for enforcing this bill would be on the county prohibiting parking on any roadway under its jurisdiction; a violation of this bill would be a Class C misdemeanor, with each day a motor vehicle is in violation being deemed a separate event. A county would be authorized to remove a motor vehicle that is abandoned or disabled.

HB2797 (McCord) – As amended, allows from the first Friday in March to the first Sunday in November motor vehicles carrying rafts for commercial whitewater rafting purposes to have a height over 13 feet and up to 17 ½ feet on certain segments of the state and local highway system. The driver of the vehicle must possess written documentation from the Department of Safety that it is in compliance of state law regarding liability insurance. Nothing in the bill shall be construed to require TDOT to change any structures on the segments of the highway system so that it has a clearance of higher than 13 feet or any other design standard. No bus with a trailer that exceeds 65 feet is allowed to be operated on any highway, and no school bus is allowed to have a trailer.

HB2544 (K. Brooks) – As amended, creates the offense of super speeding when a driver speeds at 75 mph or more on any two-lane highway or 85 mph or more on any public highway. A violation is a Class B misdemeanor punishable by a \$200 fine only. As amended, the bill splits the fine in the following way: \$20 to the General Fund, \$90 to trauma centers and \$90 to the Department of Safety for operating and maintaining TITAN (Tennessee Integrated Traffic Analysis Network).

HB2896 (Harmon) – Omnibus Special License Plate Bill for 2010. The bill creates the following new license plates:

- Habitat for Humanity
- Submarine Veterans
- Blue Star Family
- Friends of Coal
- Fisk University
- Down Syndrome
- Oak Ridge Revitalization
- Civil Veterans of the US Army Corps of Engineers

- Tennessee Soccer
- Music City Alumni of Western Kentucky
- Lions Club
- University of Tennessee Athletics
- Volunteer Wounded Warriors
- International Brotherhood of Electrical Workers (IBEW)
- First Families of Tennessee
- Memphis Rock ‘n’ Soul Museum
- Kappa Delta Sorority
- T.C. Thompson Children’s Hospital (Chattanooga)

The bill extends the application period for the following plates for one year:

- I RECYCLE
- Tennessee Off-Highway Vehicle Association
- Rotary International
- Teachers
- Cheroke Skyway

The bill also makes the following changes to current statute regarding license plates:

Authorizes widows and widowers of persons entitled to receive holders of Purple Heart memorial plate to obtain the plate upon such person’s death.

- Authorizes issuance of motorcycle plates for International Association of Firefighters specialty earmarked license plate and Tennessee State Guard military plate.
- Allows motorcycles that are equipped with vertical mounted license plate brackets to display license plates vertically rather than horizontally.
- Authorizes human resource agencies and development districts to obtain governmental service plates for registration for vans used for such entities’ activities.
- Allocates regular portion of funds from Trout Unlimited new

specialty earmarked plates to Tennessee Council of Trout Unlimited for distribution to Tennessee chapters, instead of allocating equal amounts to each chapter.

- Allows magistrates to receive a judiciary special license plate.
- Requires that upon the depletion of the Department of Revenue’s current inventory of temporary plates (drive-out tags), the department shall redesign the temporary plates in such a manner as determined by the

Commissioner as will permit the conspicuous display of individual distinctive alpha-numerical characters.

The **House Transportation Committee** closed subject to the call of the chair.

**RURAL ROADS
SUBCOMMITTEE**

The **Rural Roads Subcommittee** is closed subject to the call of the chair.

**PUBLIC SAFETY
SUBCOMMITTEE**

The **Public Safety & Rural Roads Subcommittee** is closed subject to the call of the chair.

The **House Transportation Committee** is closed subject to the call of the chair.

